

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18 are presently active; Claims 1, 2, 3, 5-10, and 12-14 having been presently amended, and Claims 15-18 have been added.

In the outstanding Office Action, Claims 1 and 5-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applegate et al (U.S. Pat. No. 5,995,774) in view of Ito et al (U.S. Pat. No. 6,658,219). Claims 2-4 were objected to for being dependent from a rejected base claim but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 2-4. New Claims 15-18 are dependent Claims 2-4 presented in independent form. Hence, new Claims 15-18 are allowable.

Consistent with the identified allowable subject matter, Claim 1 has been amended to define that the control means is configured to perform a comparison of the *in-use* operation specifications stored between the first and second storing means, and based on the comparison to determine whether the image forming means is in an operational state.

The Office Action acknowledges that Applegate et al do not disclose control means configured to perform a comparison of the operation specifications stored between a first and second starting means and based on the comparison to determine whether the image forming means is in an operation state. For a teaching of such, the Office Action relies on Ito et al. However, Ito et al merely disclose that:

When the setting of the cartridge 101 is detected, CPU 110 measures density of the toner as described above. If the cartridge 101 does not have a structure for measuring the density, CPU 110 determines that the cartridge 101 is improper. After the measurement, type information is read from the cartridge memory 117. According to the type information, one of the plural allowable ranges of the characteristic stored in the printer memory 111 is read. The

measured density is compared with the particular allowable range, to determine propriety or impropriety of the cartridge 101.

Hence, Ito et al do not disclose a comparison of *in-use* operational specifications. Rather, Ito et al only disclose performing a memory comparison when a new print cartridge 110 is installed to see if it is a proper cartridge. That is Ito et al only perform a memory comparison prior the image forming and thus do not compare in-use operational specifications, as claimed.

Thus, it is respectfully submitted that independent Claim 1 and the claims dependent therefrom patentably define over Applegate et al and Ito et al.

Independent Claims 5-8 and 12-14 (and dependent Claims 9-11) define similar features to Claim 1, and are likewise believed to patentably define over Applegate et al. and Ito et al.

This amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, presenting rejected claims in better form for consideration on appeal, or presenting amendments touching on the merits upon a showing of good and sufficient reasons why the amendment is necessary and was not presented earlier.

The present amendment presents a clarification to the independent claims that closely follows one attribute of the identified allowable subject matter, thereby placing these claims in a condition for allowance. No new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. Further, the present claim amendments if presented earlier when Ito et al was not of record would have unduly limited Applicants' position without cause. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

Application No. 09/994,620
Reply to Office Action of March 13, 2006

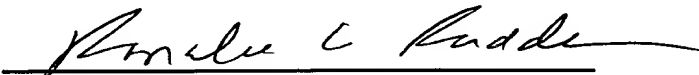
Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
GJM:RAR:clh


Gregory J. Maier
Attorney of Record
Registration No. 25,599
Ronald A. Rudder, Ph.D.
Registration No. 45,618

I:\ATTY\RAR\AMENDMENTS\216's\216563US\RESPONSE TO OA_3132006.DOC